

REMARKS

Claims 1 and 3 – 22 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 4 and 6 - 9 stand rejected under 35 U.S.C. § 102(e) as being unpatentable by Albert et al. (U.S. Pat. No. 6,172,798). This rejection is respectfully traversed.

Claims 1, 4, and 7 have been amended to call for the microcapsules to contact the substrates with a flat face, and for mutually adjoining microcapsules to contact each other with flat faces. This subject matter is described in paragraph [0082] of the specification. No new matter has been added.

Albert does not anticipate such configuration. More specifically, referring to Figure 5A of Albert, it can be seen that the microcapsules do not contact each other with flat faces. Rather, the microcapsules of Albert contact each other with round faces. Since Albert does not disclose this aspect of the claimed invention, the claimed invention recited in independent claims 1, 4, 7, and each corresponding dependent claim is not anticipated.

Claims 14 – 16 and 18 stand rejected under 35 U.S.C. 102(e) as being unpatentable by Comiskey et al. (U.S. Pat. No. 6,724,519). This rejection is respectfully traversed.

Claims 14 has also been amended to call for the microcapsules to contact the substrates with a flat face, and for mutually adjoining microcapsules to contact each other with flat faces. Comiskey does not anticipate such a configuration. That is, Comiskey does not disclose either microcapsules contacting the substrates with a flat face or mutually adjoining microcapsules contacting each other with flat faces. Since Comiskey does not disclose these aspects of the claimed invention, the claimed invention in independent claim 14 and its corresponding dependent claims 15, 16, and 18 is not anticipated.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert et al. (U.S. Pat. No. 6,172,798). This rejection is respectfully traversed.

Claim 3 has been amended to call for the microcapsules to contact the substrates with a flat face, and for mutually adjoining microcapsules to contact each other with flat faces. As stated above, Albert does not anticipate such a configuration. Since Albert does not anticipate such a configuration, the claimed method of making such an electrophoretic display would not have been obvious.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Albert et al. (U.S. Pat. No. 6,172,798) as applied in claim 4, in view of Iwasaki et al. (U.S. Pat. No. 5,972,493). This rejection is respectfully traversed.

Claim 5 is dependent on independent claim 4, addressed above. Neither Albert nor Iwasaki teach or suggest microcapsules in contact with each other with flat faces. Since this element of the claims is neither taught nor suggested, the claimed invention would not have been obvious.

Claims 10 – 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Albert et al. (U.S. Pat. No. 6,172,798), as applied in claim 7, in view of Comiskey et al. (U.S. Pat. No. 6,724,519). This rejection is respectfully traversed.

Claims 10-13 are either dependent or ultimately dependent on claim 7, addressed above. Neither Albert nor Comiskey teach or suggest microcapsules in contact with each other with flat faces. Since this element of the claims is neither taught nor suggested, the claimed invention would not have been obvious.

Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al. (U.S. Pat. No. 6,724,519), as applied in claim 14, in view of Albert et al. (U.S. Pat. No. 6,172,798). This rejection is respectfully traversed.

Claim 17 is dependent on 14, addressed above. Neither Comiskey nor Albert teach or suggest microcapsules in contact with each other with flat faces. Since this element of the claims is neither taught nor suggested, the claimed invention would not have been obvious.

Claims 19, 20, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al. (U.S. Pat. No. 6,724,519), in view of Iwasaki et al. (U.S. Pat. No. 5,972,493). This rejection is respectfully traversed.

Independent claim 19 has been amended to call for the microcapsules to contact the first and second substrates with a flat face. Claim 19 has also been amended to call

for mutually adjoining microcapsules to contact each other with flat faces. Neither Comiskey nor Iwasaki teach or suggest such an electrophoretic device. Since neither Comiskey nor Iwasaki teach or suggest such an electrophoretic device, the claimed invention of independent claim 19 and its corresponding dependent claims 20 and 22 would not have been obvious.

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Comiskey et al. (U.S. Pat. No. 6,724,519) in view of Iwasaki et al. (U.S. Pat. No. 5,972,493), as applied in claim 19, and further in view of Albert et al. (U.S. Pat. No. 6,172,798). This rejection is respectfully traversed.

Claim 21 is dependent on claim 19, addressed above. As also addressed above, neither Comiskey, Iwasaki, Albert, nor any combination thereof teaches, suggests, or provides motivation to utilize an electrophoretic device wherein mutually adjoining microcapsules contact each other with flat faces. Since none of the cited references teach, suggest, or provide motivation for such a configuration, the claimed invention would not have been obvious.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

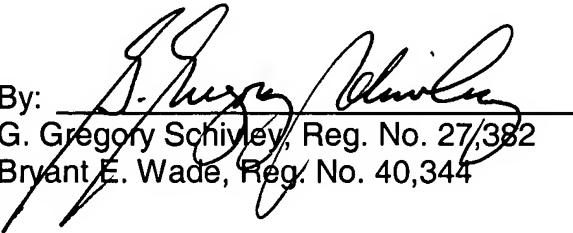
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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